IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 4250 of 2007(S)

OP.11/2006 of FAMILY COURT, MALAPPURAM
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PETITIONER:

MR.MUKKILAYIL PRAKASH, AGED 28 YEARS,
S/O.RAMAN, MOOKILAYIL HOUSE, CHERAKKAPARAMBU P.O.,
CHERAKKAPARAMBAU AMSOM, ANGADIPURAM DESOM,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.M.ASOKAN
ADV. SRI.DEVAPRASANTH.P.J.

RESPONDENTS:
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1. PUNNAKKATTUKUZHI PULARI,
D/O.IBBACHAN, 21 YEARS, PUNNAKKATTUKUZHI HOUSE,
PUZHAKKATTIRI HOUSE, PUZHAKKATTIRI P.O.,
ANGADIPPURAM. VIA, PUSHAKKATTIRI AMSOM DESOM,
MALAPPURAM DISTRICT.

2. NAVANEETH, 2 YEARS (MINOR),
S/O.MUKKILAYIL PRAKASH,
(MINOR REPRESENTED BY THE GUARDIAN MOTHER THE
1ST RESPONDENT).

BY ADV. SRI.THOMAS ANTONY
ADV. SRI.M.P.PRAKASH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS;

Ext. P1	:	COPY OF THE ORDER OF THE HON'BLE FAMILY COURT -MANJERI IN O.P.NO. 105/2005] DATED 13.02.2006
Ext. P2	:	COPY OF THE PETITION (OP 11/06) FILED BY THE RESPONDENTS DATED 11.01.2006 BEFORE THE FAMILY COURT FOR PAST MAINTENANCE.
Ext. P3	:	COPY OF THE COUNTER DATED 06.04.2006 FILED BY THE PETITIONER IN OP.11/06.
Ext. P4	:	COPY OF THE ORDER DATED 01.11.2006 IN OP. 11/2006
Ext. P5	:	COPY OF THE AFFIDAVIT AND PETITION FILED BY THE PETITIONER IN I.A.No. 1514/2006
Ext. P6	:	COPY OF THE COUNTER FILED BY THE RESPONDENT IN I.A. 1514/2006.
Ext. P7	:	TYPE WRITTEN COPY OF THE ORDER DATED 22.01.2007 IN I.A 1514/06 BY THE FAMILY COURT, MALAPPURAM.

/true copy/

P.A. TO JUDGE

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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W.P.(C) No. 4250 OF 2007

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Dated this the 20th March, 2007

J U D G M E N T

Sankaran, J:

Respondents herein filed O.P.No. 11 of 2006 on the file of the Family Court, Malappuram claiming past maintenance. The petitioner herein was set ex parte . Ext. P4 order dated 01.11.2006 was passed by the Family Court, Malappuram directing the petitioner to pay a sum of Rs. 64,750/- as past maintenance with interest at the rate of 6% per annum from the date of the petition till its realisation. Petitioner filed I.A. No. 1514 of 2006 to set aside the ex parte order. That application was allowed on condition that the petitioner shall deposit the entire arrears of past maintenance due to the minor child within 15 days from the date of the order. The said order is under challenge in this Writ Petition.

2. On 07.02.2007 an interim order of stay was passed on condition that the petitioner shall deposit a sum of Rs.12,500/- within one month. Learned counsel for the petitioner is not instructed by the petitioner to submit as to whether the amount has been deposited or not. He has sought adjournment of the case to ascertain as to whether the amount has

been deposited or not. We do not find any ground to adjourn the case. After hearing the counsel on both sides, we are of the view that the Writ Petition can be disposed of with the following directions:

If the petitioner deposits for payment to the respondents a sum of Rs. 20,000/- (Rupees twenty thousand only) including the amount of Rs.12,500/- mentioned in the order dated 07.02.2007 within one month from today, Ext. P4 order dated 01.11.2006 will stand set aside and on failure of the petitioner to deposit the aforesaid amount as directed above, this Writ Petition will stand dismissed.

KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

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